

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA**

OPINION AND ORDER

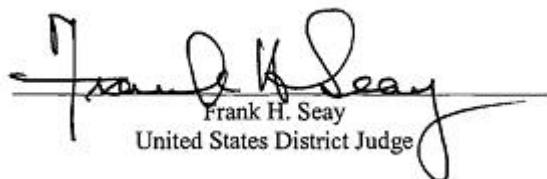
On July 16, 2012, Defendant David Hanson filed a motion to compel and mailed a certified copy to plaintiff at his last known address. [Docket No. 36 at 2]. The motion was returned to Hanson’s counsel by the postal service with notations of “unclaimed” and “return to sender.” [Docket No. 37-2]. On August 13, 2012, the court directed plaintiff to show cause within seven days why the motion to compel should not be granted, but the order was returned to the court on August 24, 2012, marked “discharged” and “return to sender, attempted, not known, unable to forward.” [Docket Nos. 38 and 39 at 3]. On September 13, 2012, plaintiff called the court with a new address and was advised that he needed to submit it in writing. Plaintiff failed to submit a written notification of his change of address.

On February 12, 2013, the court mailed plaintiff copies of Defendant Hanson's motion to compel to the two addresses in his case file, including the address he submitted by telephone. Both letters were returned as undeliverable.

Plaintiff has failed to advise the court of his current address, as required by Local Civil Rule 5.5(a). Therefore, this action is dismissed without prejudice for failure to prosecute. *See United States ex rel. Jimenez v. Health Net, Inc.*, 400 F.3d 853, 854-56 (10th Cir. 2005) (dismissing appeal *sua sponte* for failure to prosecute because appellant disappeared and failed to meet court deadlines).

ACCORDINGLY, this action is, in all respects, DISMISSED WITHOUT PREJUDICE for failure to prosecute.

IT IS SO ORDERED this 7th day of March, 2013.



Frank H. Seay
United States District Judge